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April 28, 2010

FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
APR 29 2010  
SOUTHWEST DISTRICT  
TAMPA

Mr. Tim J. Bahr  
Administrator, Hazardous Waste Regulation Section  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Mail Station #4560  
Tallahassee, FL 32399-2400

Attn: Administrator, Hazardous Waste Regulation Section

Re: Proof of Publication Affidavit for Florida Recycling Solutions, LLC Public  
Notice for Intent to Issue for Used Oil Processing facility permit  
EPA ID Number: FLR 000 034 033  
Permit Number: 294693-HO-001; and 294693-SO-002

Dear Mr. Bahr:

Pursuant to the Florida Department of Environmental Protection's Notice of Intent to Issue Permit dated April 19, 2002, the purpose of this correspondence is to document the required publication of the Public Notice of Agency Action in connection with the Department's issuance of the Used Oil Processing Facility Permit to Florida Recycling Solutions, LLC. Specifically, enclosed please find an original Affidavit of Publication, and one copy of the Affidavit documenting the timely publication of the Notice of Intent to Issue. The Notice of Intent to Issue was published in *The Lakeland Ledger*, which is a daily newspaper of general circulation in the area affected by the proposed Florida Recycling Solutions, LLC facility.

Submittal of the enclosed Affidavit of Publication fulfills and documents all Public Notice requirements in connection with the Notice of Intent to Issue from the Department dated April 19, 2010. We look forward to the issuance of the final Used Oil Processing Facility Permit pursuant to the timeframes and deadlines set forth in the Notice of Intent to Issue. In the interim,

**FOWLER WHITE BOGGS P.A.**

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*[Handwritten signature]*

Mr. Tim J. Bahr  
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please do not hesitate to contact me should you have any questions regarding the above matters or if you require any additional information.

Sincerely yours,

FOWLER WHITE BOGGS P.A.



Ron H. Noble

cc: Mr. W.D. Miller (w/encl.)  
Mr. Bheem Kothur (w/encl.)  
Mr. James Dregne (w/encl.)

Enclosure (original Affidavit and one copy)

42708165v1

**FOWLER WHITE BOGGS P.A.**

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# AFFIDAVIT OF PUBLICATION

## THE LEDGER

### Lakeland, Polk County, Florida

STATE OF FLORIDA)  
COUNTY OF POLK)

Attach Ad Here

Before the undersigned authority personally appeared Rhonda Gentle, who on oath says that she is a Sales Executive at The Ledger, a daily newspaper published at Lakeland in Polk County, Florida; that the attached copy of advertisement, being a

#### Notice of Intent

in the matter of A new permit

Concerning Florida Recycling Solutions, LLC

was published in said newspaper in the issues of 4-23; 2010

Affiant further says that said The Ledger is a newspaper published at Lakeland, in said Polk County, Florida, and that the said newspaper has heretofore been continuously published in said Polk County, Florida, daily, and has been entered as second class matter at the post office in Lakeland, in said Polk County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signed

Rhonda Gentle  
Sales Executive

Who is personally known to me.

Sworn to and subscribed before me this

day of

April

A.D. 2010

Notary Public

Patricia Ann Rouse

My Commission Expires October 17, 2012

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STATE OF FLORIDA  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
PUBLIC NOTICE OF PROPOSED AGENCY ACTION  
NOTICE OF INTENT TO ISSUE

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GIVES NOTICE OF ITS INTENT TO ISSUE A NEW PERMIT TO Florida Recycling Solutions, LLC, TO OPERATE USED OIL AND MATERIAL PROCESSING FACILITY LOCATED AT 3210 Whit Road, Lakeland, Florida 33811, HAVING ASSIGNED FACILITY ID NUMBER FLR 0034 933.

The new draft permit prepared in accordance with the provisions of Chapters 62-4, 62-11, 62-701, 62-710, 62-730, 62-740 and 62-762, Florida Administrative Code (F.A.C.), contain the conditions for permit numbers 294693-NO-001 and 294693-NO-002. The new permit intended to be issued to allow Florida Recycling Solutions, LLC to operate an Used Oil and Material Processing Facility at City of Lakeland, Florida.

Copies of the new permit application and the new draft permit are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except on legal holidays, at Florida Department of Environmental Protection, Southwest District Office 13051 North Telecom Parkway, Temple Terrace, Florida 33637-0926, (813) 632-7500 and 2600 Blair Stone Road, Mail Station #4560, Tallahassee, Florida 32399-2400; Attention: Administrator, Hazardous Waste Regulation Section, (850) 245-8781.

A person whose substantial interests are affected by the above proposed agency action may petition for an administrative determination (hearing) under Sections 120.569 and 120.570, F.S. The petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Mail Stop #35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and any of its parties listed below must be filed within fourteen (14) days of receipt of this notice. Petitions filed by any persons other than those entitled to written notice under section 120.50(3) of the Florida Statutes must be filed within fourteen (14) days of publication of this notice of intent or receipt of the written notice, whichever occurs first. A petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of a person to file a petition within this time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.570, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name, address, and telephone number of each petitioner, the applicant's name and address; the Department Permit File Number and the county in which the project is proposed; and (b) A statement of how and when each petitioner received notice of the Department's action or proposed action; (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action; (d) A statement of all material facts disputed by petitioner, or a statement that there are no disputed facts; (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action; (f) A statement of which rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action; and (g) statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.201, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available in this proceeding.

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